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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trudy L. Benjamin

Examiner: Laura E. Martin

Serial No.: 10/827,142

Group Art Unit: 2853

Filed: April 19, 2004

Docket No.: 200309559-1

Title: FLUID EJECTION DEVICE

CERTIFICATE OF TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following paper(s) are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (571) 273-8300 on the date shown below:

1. Transmittal Letter for Response/Amendment (1 pg.); and
2. Response to Restriction Requirement (3 pgs.).

Date: October 25, 2006

PGB: cmj

By: 

Name: Patrick G. Billig (Reg. No. 38,080)

5 Pages (including cover page)

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200309559-1Inventor(s): **Trudy L. Benjamin**Confirmation No.: **2313**Application No.: **10/827,142**Examiner: **Laura E. Martin**Filing Date: **April 19, 2004**Group Art Unit: **2853**Title: **FLUID EJECTION DEVICE**

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment
☐ New fee as calculated below
☒ No additional fee
☒ Other Certificate of Transmission (1 pg.)

- ☐ Petition to extend time to respond
☐ Supplemental Declaration

Fee\$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.18 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being
transmitted to the Patent and Trademark Office
facsimile number (571) 273-8300.
Date of facsimile: October 25, 2006

Typed Name: **Patrick G. Billig**Signature: 

Respectfully submitted,

Trudy L. Benjamin

By 

Patrick G. Billig

Attorney/Agent for Applicant(s)

Reg No. : 38,080

Date : October 25, 2006

Telephone : (612) 573-2003

Rev 10/05 (TransAndFax)

OCT 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trudy L. Benjamin

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Serial No.: 10/827,142

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Title: FLUID EJECTION DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Election/Restriction

In the written Election/Restriction Requirement mailed September 25, 2006, the Examiner required restriction to one of the following species:

- I. Species I (claims 1-8): comprises a control line, firing cells, and control circuitry;
- II. Species II (claims 9-22): comprises firing cells and a first address generator;
- III. Species III (claims 23-24): (Note that Applicant assumes that the Examiner meant claims 23-34); comprises firing cells and an address generator including a first and second bank circuitry;
- IV. Species IV (claims 35-39): comprises firing cells, a control line, and a first address control circuit;
- V. Species V (claims 40-47): comprises receiving a control signal, a first means for ejecting fluid, a second means for ejecting fluid, and means for responding to control signals;
- VI. Species VI (claims 48-50): comprises receiving a control signal, initiating a first sequence of address signals, and initiating a second sequence of address signals;
- VII. Species VII (claims 51-57): comprises receiving control signals, providing a first sequence of first address signals, providing a second sequence of second address signals, wherein the first and second address signals are independent;
- VIII. Species VIII (claims 58-63): comprises firing cells, an address generator, a first bank circuitry and a second bank circuitry, responding to timing pulses.

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Response to Restriction Requirement

Applicant: Trudy L. Benjamin

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In response to the Election/Restriction Requirement, Applicant hereby elects Species VIII with traverse for prosecution on the merits. Applicant makes this election with traverse because the Examiner made an error in the Restriction Requirement in indicating that the Species I-VIII are all respectively grouped by claims. M.P.E.P § 806.04(e) specifically states that "claims are definitions of inventions. *Claims are never species. . . . Species are always the specifically different embodiments.*" Therefore, Applicant respectfully submits that the above species Election/Restriction Requirement is not proper.

Elected Species VIII comprises firing cells, an address generator, a first bank circuitry and a second bank circuitry, responding to timing pulses. Species II comprising firing cells and a first address generator is generic to Species VIII. Species III comprising firing cells and an address generator including a first and second bank circuitry is generic to Species VIII. Accordingly, pending claims 9-34 and 58-63 read on elected Species VIII.

CONCLUSION

Having thus addressed the Election/Restriction Requirement imposed by the Examiner, Applicant respectfully requests reconsideration of the application and allowance of all pending claims.

Response to Restriction Requirement

Applicant: Trudy L. Benjamin

Serial No.: 10/827,142

Filed: April 19, 2004

Docket No.: 200309559-1

Title: FLUID EJECTION DEVICE

Any inquiry regarding this Response should be directed to either Donald J. Coulman at Telephone No. 541-715-1694, Facsimile No. 541-715-8581 or Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
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P.O. Box 272400
Fort Collins, Colorado 80527-2400


Respectfully submitted,

Trudy L. Benjamin,

By her attorneys,

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Date: 10-25-06
PGB:cmj


Patrick G. Billig
Reg. No. 38,080

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 25 day of October, 2006.

By 
Name: Patrick G. Billig